

**CONSERVATION COMMISSION
AGENDA
JUNE 7, 2006**

7:15 Land Stewardship Committee - Jim Snyder-Grant

See agenda packet supplemental information - *Preliminary Report on Invasive Plants on Acton Conservation Lands*

7:45 Request for Determination - 63 Nashoba Road - Sean Lafferty

Construction of a proposed breezeway within 100' of a wetland.

8:00 Continuation - ANRAD -Yin Peet

8:15 Notice of Intent – Quarry Road (rear), Town Atlas Plate C-5, Parcel 11 - Yin Peet

Construction an art studio, sculpture park, trail and timber bridge within 100' of wetlands.

8:30 Notice of Intent - 159 Prospect Street - Northeast Site Consultants - Joseph Levine

Chapter 40B - construction of an 8-unit affordable housing development and associated drainage within 100' of a wetland.

Certificate of Compliance - 35 Robbins Street 85-918

MINUTES

May 3	comments rec'd by	TM, ME, JM, JA	signature
May 17	" " "	TT, TM, ME	

**CONSERVATION COMMISSION
MINUTES
JUNE 7, 2006**

MEMBERS PRESENT: Terry Maitland, Janet Adachi, Linda Serafini, William Froberg

ASSOCIATE MEMBER: Jim Snyder-Grant

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea Ristine

VISITORS: Isabella V. Choate, Ryan Lafferty, Sean Towey, Tom Campbell, Gigi Hopkins

7:25 Mr. Maitland called the opened the meeting.

Land Stewardship Committee - Jim Snyder-Grant

Mr. Snyder-Grant reported on the goals and activities of the Land Stewardship Committee (LSCom). The LSCom has completed the upgrade of existing conservation land trails and is broadening its focus and looking for guidance from the Commission about treating invasive plants and permitting issues for treatment. Invasives have no natural enemies and spread quickly. Not every plant is invasive and not every non-native is invasive. Committee members have investigated and mapped certain areas with invasive plants. Great Hill has 1.5 acres of burning bush and there are 15 acres of purple loosestrife on the Guggins Brook parcel. Mr. Snyder-Grant has taken a course on prioritizing and dealing with areas of invasives. Priorities will be set as to what has the greatest potential to spread and do more harm and where remedial action is feasible; the LSCom will focus on locations meeting both priorities. Invasive removal is manual or through the use of herbicides; Garlic Mustard is a good candidate for manual removal whereas Japanese Knotweed is a candidate for treatment with herbicides. Herbicide applications on public property must be done by a licensed pesticide applicator. One 40' x 40' area of Japanese Knotweed located on the Wetherbee Conservation Land has been manually cut to the ground surface every two weeks for three years to no avail.

Mr. Snyder-Grant stated that the LSCom is enthusiastic about the goal of controlling invasive plant species. The Municipal Properties Director has offered to treat Japanese Knotweed in one area on the Wetherbee Conservation Land parcel with Round-up®.

Mr. Snyder-Grant also noted that the Nagog Hill Conservation Land has a large number of trees dying due to overgrowth of Bittersweet. Although Bittersweet cannot be eradicated completely he feels that the LSCom can save the trees by hand removing the vines from the trees.

Loosestrife is everywhere and in wetlands. Herbicide application to loosestrife in wetlands is not viable but by hand removal is. Another possibility is a biological control involving the release of a European beetle, (*Galerucella* spp), which eats loosestrife and can reduce an area down to 10% of the total original area. The Guggins Brook Conservation Area is a prime candidate for this procedure.

Mr. Tidman noted that the Commission had granted permission and issued a permit to the Mass. Wetlands Restoration Program of the Executive Office of Environmental Affairs and Association of Mass. Wetland Scientists for the release of *Galerucella* beetles on the Great

Hill Conservation Area several years ago but no follow-up information on the study has been received.

Mr. Froberg stated that he is in favor, in principle, of addressing the issues raised by Mr. Snyder-Grant; it seems that there was due diligence in the research and he endorses the approach being proposed.

Mr. Maitland stated that he would be comfortable with Mr. Tidman's granting permission for the low-key areas and non-herbicide- related activity in wetlands areas too, but would want a detailed wetlands filing for any proposed use of herbicides in wetlands.

7:58 Request for Determination - 63 Nashoba Road - Sean Lafferty

Jay Stiga from Ducharme & Dillis Civil Design Group presented plans for the construction of a proposed breezeway within 100' of a wetland between the existing house and garage. The area is relatively flat and will require little grading.

Mr. Tidman reported that the addition is within existing lawn or landscaped areas; there is no closer encroachment to wetlands.

Upon query by Mr. Maitland, Mr. Stiga noted that haybales with silt fence are proposed.

Upon query by Mr. Froberg, Mr. Stiga reported that the site is adjacent to an isolated wetland. The breezeway will be constructed on a cement slab and will also have a concrete walk way.

Upon query by Ms. Adachi, Mr. Stiga reported that the area behind the garage and corner of the shed is undisturbed.

Upon query by Mr. Froberg, Mr. Stiga reported that the garage was built in 2003 and was filed with the Commission as an RDA in 2002.

8:04 Mr. Maitland closed the meeting.

Determination of Applicability - 63 Nashoba Road

Mr. Froberg moved that the Commission find the work as proposed to be within its jurisdiction and will not impact the wetlands (negative three under the Act and Bylaw). Ms. Adachi 2nd; unanimous.

8:07 Continuation - ANRAD -Yin Peet

Tom Dipersio from Thomas Land Surveyors presented amended plans for the 12.8 acre parcel based on the site walk with the Commission on April 26, 2006. The potential vernal pools are shown on the plan.

Upon query by Ms. Adachi, Mr. Dipersio reported that he did not provide topography in one area on the plan since there is no proposed activity.

8:14 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - Order of Resource Area Delineation

Ms. Adachi moved that the Commission accept the wetland delineation plan as revised, dated June 6, 2006, as shown, with the exception of Wetland Flags C50 through C73 and B50 to B42. Ms. Serafini 2nd; unanimous.

8:17 Notice of Intent – Quarry Road (rear), Town Atlas Plate C-5, Parcel 11 - Yin Peet

Tom Dipersio from Thomas Land Surveyors presented plans for the proposed construction of an art studio, sculpture park, trail and timber bridge within 100' of wetlands. The property is within several zoning districts and two groundwater protection zones. Access to the property

is by way of an easement; the property has a historical right-of-way over an old cart road dating back to the quarrying era. A portion of property will be set aside as open space. The project is a Planned Conservation Residential Community (PCRC), with two condominium units as well as the art studio. The Applicant also proposes a passive use "activity area" to be accessed by a foot trail from the studio driveway; the trail will cross wetlands over a proposed piled bridge whose construction will require permanent alteration of wetlands. The proposed bridge would be principally for foot traffic but Applicant also would use it to transport sculptures on a forklift to and from the "activity area. The proposed septic system will meet BoH regulations and Title 5.

Upon query by Mr. Maitland, Mr. Dipersio reported that the septic system will be a "condominium system" which is different from a "shared system".

Mr. Dipersio noted that the proposed driveway will be improved with a gravel base and crushed stone. Grading for the septic system will slightly encroach into 100' buffer zone, but the two proposed houses are outside of the 100' buffer zones of the quarry and vernal pools. A couple of corners of the proposed studio and one-half of the proposed studio parking area are within the westerly portion of the 100' buffer zone of the quarry. Work on portions of the driveway also will be within the 100' buffer zone but the driveway will follow the existing cart road which will reduce clearing. The proposed driveway will be 14' wide.

Upon query by Mr. Maitland, Mr. Dipersio reported that the Board of Health (BoH) has not yet approved the septic permit, but the testing has been witnessed and accepted by the Health Department staff.

Upon query by Ms. Adachi, Mr. Dipersio reported that the proposed studio will be accessed from an existing cart path.

Upon query by Mr. Tidman, Mr. Dipersio reported that drainage basins are not required for this project; the site will have direct infiltration with the proposed crushed stone parking lot at the proposed studio.

Upon query by Mr. Froberg, Mr. Maitland noted that there are eight proposed parking spaces.

Upon query by Mr. Maitland, Mr. Dipersio reported that the proposed studio wastewater will be pumped to the proposed condominium septic system by way of the driveway. The wastewater pipe from the studio is not shown on the plan. The pipe will be a forced main due to the existing elevation drop in the cart path/driveway.

Upon query by Ms. Adachi, Mr. Dipersio stated that he is hoping to have detailed information and construction details for the proposed timber bridge (wetland crossing) by the June 21 hearing continuation date. He understands the construction process will involve driving pilings in and building the bridge as the equipment moves forward across the wetland. The wetland crossing is approximately 70' and the pilings will be approximately 8' on center. The proposed bridge pilings will be Yellow Pine and should last about 45 to 50 years.

Mr. Maitland expressed concern regarding the proposed wetland crossing to the "activity area" noting that the project is not filed as a Limited Project and the Commission has no obligation to permit access over wetlands when the Applicant already has access and use of uplands on a parcel.

Mr. Tidman agreed that this is not a limited-access project since viable use of the property is possible without crossing wetlands for the proposed residences and studio.

Mr. Dipersio state that the proposed activity area will be a public benefit but the project is not filed as a limited project. There are options for using the cart paths off of the property but it presents liability issues.

Ms. Peet stated that this is a small piece of property and the studio will be fairly small in operation and capacity. She would like to offer a studio class as part of the summer camp operation at Acton's NARA Park. There will be one classroom proposed in the open studio, with each class having no more than ten students.

Mr. Tidman inquired as to how a single lot can have two proposed residences. Mr. Dipersio reported that the parcel will be developed under a PCRC with the open space remaining in private ownership.

Upon query by Mr. Maitland, Mr. Dipersio reported that the preliminary presentation to the Planning Board was favorably received; The Planning Board was pleased to see the open space preservation. A PCRC requires 60% open space but the Applicant is proposing over 70%. The Planning Board would like the Town to have access to the quarry water for use at NARA Park. Mr. Dipersio reported that Ms. Peet has agreed informally to do so.

Upon query by Mr. Maitland, Mr. Tidman noted that the quarry water would be used to keep the replication areas green at NARA Park through the dry season if needed.

Mr. Maitland noted that the Commission would prefer that the Applicant have an approval in hand from the Planning Board for the proposed PCRC and a sewage disposal permit from the BoH before the Commission votes.

Ms. Peet stated that she feels that conservation requirements will be the biggest issue.

Mr. Maitland noted that the Commission may need to conduct another site walk.

Mr. Froberg inquired about the proposed activity area, the shape chosen, ground surface preparation and proposed improvements to the trail shown on the plan. Mr. Dipersio reported that there will be very little if any disturbance to the activity area and trail; the Applicant would create a pad for the sculpture support and leave the rest of the area alone. Ms. Peet stated that the existing boulders would be undisturbed.

Upon query by Mr. Froberg, Ms. Peet stated that her current work does not require a permanent concrete base; if, in the future, a work required a base, that would be within the Commission's jurisdiction and she would file an application at that time.

Upon query by a member of the public attending the meeting, Ms. Peet reported that she will be allowed to sell sculpture pieces on the property as she has an IRS designation as a nonprofit educational organization under Section 501(c)(3).

Upon query by another member of the public, Alex King, Ms. Peet reported that she is not proposing the installation of any fencing around the perimeter of the property or sculptures. The only fencing that will be installed will be based on safety considerations and in consultation with her insurance company.

Upon further query by Alex King and another member of the public regarding the public access to the sculpture park, roadway access and speed control, Mr. Maitland suggested that Mr. King refer to the Planning Board.

Mr. Maitland asked the Applicant to continue the hearing until June 21, at 9:00 PM. The Commission will conduct a site walk on June 12, 2006 at 4:00 PM.

Upon query by a member of the public, Ms. Peet stated that the second proposed condominium unit will be for resident artists, separate from her family residence and will not be sold.

MINUTES

Ms. Adachi moved that the Commission approve the minutes for May 3, 2006. Ms. Serafini 2nd, unanimous.

9:00 Notice of Intent - 159 Prospect Street - Northeast Site Consultants - Joseph Levine

Sue Sullivan from Places Site Consultants presented plans for the proposed Chapter 40B development of an 8-unit affordable housing complex and associated drainage within 100' of a wetland. Although the NOI has been filed under the Wetlands Protection Act only as a Chapter 40B Comprehensive Permit, the Applicant tried to meet the setbacks under the Wetlands Protection Bylaw. The design will decrease the rate of runoff to wetlands with perforated pipes with a controlled outlet to two existing catch basins in Prospect Street. Plans show the closest point of activity is 44' where the Applicant will be tying into the existing Catch Basin 1 in Prospect Street. Runoff will be treated to the extent possible on the site. Currently untreated runoff is entering the two existing catch basins but the proposal provides pretreatment with 80% [Total Suspended Solids (TSS)] removal with deep sump catch basins and the use of a Stormceptor. Temporary stock pile areas are shown on the plans; crushed stone construction roads will be created to reduce mud and silt on-site and the Applicant will provide street sweeping when necessary.

Upon query by Mr. Maitland, attorney Lou Levine reported that the Applicant will file a Local Initiative Project (LIP) application for this proposed development; Town staff members have reviewed the plan. The Applicant intends to file with the Board of Appeals within the next few days.

Ms. Sullivan stated that the main concern noted in staff comments was an originally proposed open detention basin that the Applicant has since re-designed as a subsurface system for roof and driveway runoff for groundwater recharge. Although, the Applicant understands the concern about work within 50' of wetlands, but the work that Applicant is proposing will improve current drainage and water quality conditions.

Upon query by Mr. Tidman, Ms. Sullivan reported that the groundwater elevation is 30 inches below grade and the proposed drainage leach beds will be within proposed fill.

Mr. Levine noted that Mr. Tidman inspected the site prior to the designing of the proposed development and the wetland delineation shown on the plan is based on the delineation done for the Mt. Calvary Church. Mr. Tidman reported that he flagged the wetland and found it to be a red maple swamp.

Upon query by Mr. Tidman, Mr. Levine stated that the Applicant hopes that they will not be required to build a sidewalk in association with the development as there is an existing sidewalk on the opposite side of Prospect Street; the Applicant hopes to leave the frontage of the property 'green'.

Upon query by Mr. Tidman, Ms. Sullivan reported that the Applicant proposes a combination of landscaped areas and lawn. Mr. Levine stated that a landscaping plan will be designed.

Upon query by Mr. Tidman, Mr. Levine stated that the existing house is not considered historic.

One abutter stated that he is encouraged to see drainage improvements to the area.

Upon query by Mr. Froberg, Ms. Sullivan reported that the expected life of the drainage leaching fields should be better than normal since the stormceptor drains will filter stormwater runoff prior to reaching the leach fields. The stormceptors will need to be vacuumed out as regular maintenance. The site has relatively flat slopes in the proposed parking areas so it should not require heavy sanding in winter; the proposed pavement is pitched just enough to drain to the areas designated for stormceptor treatment.

Mr. Levine noted that each of the eight proposed units will have a two-car garage entering from the center of the property so there will be no new proposed pavement within 100' of wetlands.

Upon query by Mr. Tidman, Mr. Levine reported that there are two designated affordable units with the Acton Community Housing Authority and all eight units are designed the same.

Upon query by Mr. Tidman, Mr. Levine noted that there are no proposed children's play areas on this site since there is an existing playground and tennis courts across Mass. Avenue located on the public school property and there is another playground not far up Mass. Ave. in West Acton Center.

Upon further query by Mr. Tidman, Ms. Sullivan reported that she does not anticipate any changes to the plan from the Planning Board or the Board of Appeals since all preliminary comments were incorporated into final plan currently before the Commission.

9:40 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision – 159 Prospect Street


Mr. Froberg moved that the Commission issue a standard Order of Conditions for the plans as presented. Ms. Adachi 2nd; unanimous.

Certificate of Compliance - 35 Robbins Street - 85-918

Mr. Tidman reported that the project is complete and the site is stable.

Ms. Serafini moved that the Commission issue a Certificate based on Mr. Tidman's recommendation. Mr. Froberg 2nd; unanimous.

10:00 Meeting adjourned.


Terrence Maitland, Chair

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